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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,044	11/20/2001	William O'Neal	7147-1	1478

7590 11/16/2004

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EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,044

Applicant(s)

O'NEAL, WILLIAM

Examiner

Krisanne Jastrzab

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/03, 11/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-12, 14-17, 19-24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harrell et al., U.S. patent No. 5,132,084.

Harrell et al., teach substantially teach the invention as claimed, namely an apparatus and method for steam sterilization having a chamber for receiving the article to be sterilized, a heater for heating liquid in the chamber to form steam, a pressure sensor, and a control mechanism linked to the pressure sensor such that the pressure within the chamber is maintained throughout the sterilization cycle. See column 2, lines 50-68, column 3, lines 15-43, column 4, lines 30-42 and column 5, lines 20-30.

Claims 1-2, 5-12, 14-17, 19-24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lahey et al., U.S. patent No. 6,058,247.

Lahey et al., teach the invention as claimed wherein there is a method and apparatus for steam sterilization. A sterilization chamber is provided to receive the article to be sterilized. The chamber has a heater for heating liquid therein to form steam and both pressure and temperature sensors for control of the chamber during the sterilization cycle. See column 4, lines 11-60, and column 6, lines 30-40.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hopper U.S. patent No. 5,762,889.

Hopper teaches a method and apparatus for steam sterilization wherein a sterilizing chamber is provided and has a heater for heating liquid therein to form steam.

There are also two pressure switches which function as sensors and are linked to the control mechanism to control the sterilization cycle according to two set parameters. See column 4, lines 18-40, column 5, lines 5-25 and 55-65.

Claims 1-2, 5-12, 14-17, 19-24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Peake U.S. patent No. 5,730,944.

Peake teaches the invention as claimed wherein there is a method and apparatus for steam sterilization. A sterilization chamber is provided to receive the article to be sterilized. The chamber has a heater for heating liquid therein to form steam and both pressure and temperature sensors for control of the chamber during the sterilization cycle. Peake further teaches the utilization of a pressure pump to assist in sustaining the sterilization cycle. See column 4, lines 53-68, column 5, lines 10-23, column 6, lines 56-68, column 7, lines 25-30 and column 8, lines 5-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4, 13, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peake as set forth above.

Peake clearly teaches a pressure pump as well as the pressurized sterilization chamber and it would have been well within the purview of one of ordinary skill in the art to employ a second pressure sensor to sense the appropriate function of the pressure pump, in addition to the pressure sensor for the chamber because it would optimize efficient operation of the apparatus by ensuring proper coordination between the components.

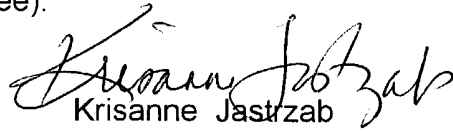
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisanne Jastrzab whose telephone number is 571-272-1279. The examiner can normally be reached on Mon.-Wed. 6:30am-4:00pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Krisanne Jastrzab

Primary Examiner

Art Unit 1744

November 15, 2004